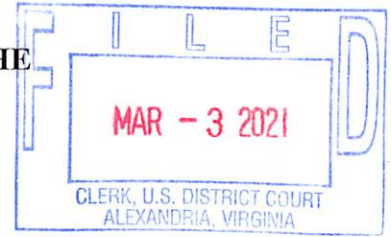


IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA

v.

DAVID VO,

Defendant.

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Criminal No. 1:21-MJ-68

**AFFIDAVIT IN SUPPORT OF A  
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Jesse A. Adams, being duly sworn, depose and state as follows:

**INTRODUCTION**

1. This affidavit is submitted in support of a criminal complaint and arrest warrant charging DAVID VO ("VO") with knowingly possessing a firearm in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, and brandishing such firearm, in violation of Title 18 United States Code, section 924(c).

2. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and have been since April 2018. I am currently assigned to the Washington Field Division's Falls Church Group II. My assignments include investigating individuals who are involved in the illegal possession and transfer of firearms, violent crimes involving firearms, and armed narcotics trafficking. Prior to my appointment with the ATF, I was a sworn law enforcement officer with the United States Marshals Service for over four years, and a sworn law enforcement officer with the Commonwealth of Virginia for over seven years.

3. As an ATF agent, I have participated in investigations which resulted in the arrests, searches, and seizures of individuals and property. I have participated in the use of cooperating

informants, pen register/trap and trace devices, video surveillance, GPS tracking devices, search warrants, and audio surveillance, among other law enforcement techniques. Additionally, I have participated in numerous controlled buys of firearms and narcotics from targets of law enforcement investigations. I have also been involved in proactive and reactive cases. Based on my training and experience, I am familiar with the methods used in furtherance of a variety of criminal activities.

4. This affidavit does not contain every fact known to me regarding this investigation, but rather contains information necessary to demonstrate probable cause in support of the above-referenced criminal complaint and arrest warrant. The facts and information contained in this affidavit are based on my personal knowledge and information obtained from other law enforcement officers. All observations not personally made by me were relayed to me by the individuals who made them or are based on my review of reports, documents, and other physical evidence obtained during the course of this investigation.

5. This affidavit contains information necessary to support probable cause. The information contained in this affidavit is not intended to include each and every fact and matter observed by me or known to the government.

6. During the course of this investigation, the Fairfax County Police Department ("FCPD") detectives have utilized cooperating sources to conduct controlled purchases. Regardless of the cooperating source's gender, the cooperating sources will be referred to in the masculine gender. The cooperating sources have proven to be reliable and credible and have provided information against their own penal interest.

7. CS-1 began working with FCPD in approximately 2018. CS-1 agreed to cooperate with law enforcement because he hoped to receive a reduced sentence on pending Virginia state drug distribution charges.

8. CS-2 began working with FCPD in August 2018. CS-2 was arrested for possession of marijuana and is an admitted drug user. CS-2 has agreed to cooperate with law enforcement because he hopes to receive a reduced sentence for three felony charges for distribution of marijuana.

9. Before and after every controlled purchase, the confidential sources were briefed and debriefed, and their person and vehicle were searched. All searches resulted negative results for controlled substances or currency.

#### **PROBABLE CAUSE**

##### VO's Criminal Convictions

10. From examining certified court records, I am aware that DAVID VO ("VO") has been convicted of a prior felony in Virginia.

11. Specifically, on or about February 12, 2016, VO was convicted in Fairfax County Circuit Court of one felony count of felony eluding law enforcement, in violation of Virginia Code § 46.2-817. As a result of this conviction, VO is not lawfully able to possess a firearm or ammunition pursuant to 18 U.S.C. § 922(g)(1).

##### Controlled Purchases from VO

12. On August 2, 2018, FCPD conducted a controlled purchase of marijuana from VO in Fairfax County, within the Eastern District of Virginia, utilizing CS-1. CS-1 was given a quantity of pre-recorded government funds by FCPD to purchase marijuana from VO.

Marijuana is a Schedule I Controlled Substance. During the controlled purchase, law enforcement observed CS-1 meet with VO and conduct a short transaction. After the transaction CS-1, provided FCPD with the evidence purchased. The marijuana purchased from VO weighed approximately 28 grams. Law enforcement conducted a preliminary field-test of the marijuana, which resulted in a positive response for marijuana.

13. On January 16, 2020, CS-2 conducted a controlled purchase of tetrahydrocannabinol (THC) wax from VO. CS-2 was given a quantity of prerecorded government funds by FCPD to purchase approximately one ounce of THC wax from VO. THC, a constituent of marijuana, is a Controlled Substance. During the controlled purchase, CS-2 went inside 7616 Lee Landing Drive, Falls Church, Virginia ("the Apartment") and purchased THC wax from VO and left the residence. After the transaction the CS provided FCPD with the evidence purchased. The CS was shown a previous arrest photograph of VO and confirmed that VO was the person who sold CS-2 the THC wax. The suspected THC wax was submitted to the Virginia Department of Forensic Science (DFS) for analysis. The DFS lab examination reported that the substance contained marijuana with a total weight of approximately 26.52 grams.

14. On January 21, 2020, CS-2 conducted a controlled purchase of THC wax from VO. CS-2 was given a quantity of prerecorded government funds by FCPD to purchase approximately 1 (one) ounce of THC wax from VO. During the controlled purchase, CS-2 went inside the Apartment and purchased THC wax from VO and left the residence. After the transaction the CS provided FCPD with the evidence purchased. The suspected THC wax was submitted to the Virginia Department of Forensic Science (DFS) for analysis. The DFS lab

examination reported that the substance contained marijuana with a total weight of approximately 25.97 grams.

Search Warrant of the Apartment

15. On January 28, 2020 FCPD detectives obtained a Virginia state search warrant for the Apartment. Additionally, VO had two outstanding active felony warrants for distribution of marijuana and failure to appear.

16. On January 28, 2020, the FCPD Special Weapons and Tactics (SWAT) Team executed the aforementioned state search warrant at the Apartment. FCPD conducted pre-operational surveillance of the Apartment before executing the search warrant, during which they observed an outside camera at the residence. FCPD also had information that VO was known always to have a weapon in his possession. Base on all the information, FCPD SWAT decided the safest way to execute the search and arrest warrant was by conducting a no-knock entry.

17. During the execution of the search warrant, the first FCPD officer through the front door announced "Fairfax County Police Search Warrant," and other officers individually announced "police, search warrant," as they passed through the front door. The first SWAT officer through the doorway encountered VO in the kitchen area pointing a firearm at the officers. This firearm later was identified as a Diamondback, Model DB-15, .223 caliber, AR-15 style pistol, bearing serial number DB1916564. This FCPD officer discharged his firearm striking VO. Another officer observed VO fall to the ground, dropping the firearm. Other officers entered and observed VO laying in the kitchen next to the aforementioned firearm. VO



stated to the initial officer that he was sorry. A photograph of the firearm VO brandished at the FCPD officers is below:



18. Located inside the residence law enforcement recovered three additional firearms, ammunition, US currency, marijuana, THC wax, records and documents, cell phones and electronics, and other indications of drug trafficking. Law enforcement recovered three additional empty firearm boxes where the firearms were not located in the residence.

19. Law enforcement located a 9mm FNH USA Model FNS-9C pistol bearing serial number CSU0063059 in between the bed and the night stand in the master bedroom. In the night stand, VO's wallet and several credit cards were located with VO's name on them. Several rounds of various ammunition were recovered underneath the bed on the side where the firearm was located. Between the wall and the night stand law enforcement recovered two bags, a red "Cookies" bag containing approximately \$7,100 in US currency and a multicolor bag containing approximately \$2,980 US currency. Intermingled with this US currency was

prerecorded government fund given to CS-2 by FCPD to purchase controlled substances from VO. Behind the door to the bedroom an Anderson Manufacturing, Model AM-15, 5.56mm AR-15 style rifle, bearing serial number 17143980 was recovered.

20. Located in the kitchen area where VO was observed holding a firearm, a clear plastic bag containing marijuana was recovered underneath the kitchen sink. In the refrigerator three wax paper packets of the same style of THC wax that was previously purchased by FCPD. Located above the kitchen sink was small sandwich bags with a digital scale inside the sandwich bag box. Recovered on top of the refrigerator was a 9mm Smith and Wesson, Model MP9 Shield pistol, bearing serial number HXT2733.

21. The suspected marijuana and THC wax recovered from the Apartment later field tested positive and were submitted to DFS for analysis. Between September 29, 2020 and October 2, 2020 the DFS lab analyzed the suspected narcotics and determined that the total weight of the substances recovered were approximately 391 grams (14 ounces) of marijuana and 159 grams of THC wax.

Statements made by VO

22. VO was transported to Fairfax INOVA Hospital for his injuries, VO made spontaneous statements to law enforcement, to include "Why did I get shot?" and "I didn't mean to point the gun at you." VO made these statements to a FCPD officer in the ambulance during the transport to the hospital. VO also stated in the ambulance that he thought someone was breaking into his house. VO stated that he was playing video games when someone kicked in his door.

23. After being medically cleared at the hospital, VO was taken to the Fairfax County magistrate's office to have his outstanding warrants served on him. While there, VO made several spontaneous utterances, heard by multiple officers. VO was never questioned by the officers there about the incident. VO was even asked several times to stop speaking so the officers could hear the magistrate. VO stated that he had been playing video games and initially thought the noise he heard was a sound in the game, but then realized the sound was not in the game and thought his house was being "robbed," and so he grabbed a gun. He said he knew he was a felon and not supposed to have guns. VO stated it was his wife's firearm, but she didn't want to go to the range and learn how to use it. VO stated his house had been broken into before. When the magistrate asked VO about the incident, VO stated "The officer was only try to protect himself and his fellow men."

Examination of VO's iPhone

24. Recovered during the search warrant at the Apartment were cell phones and other electronic devices, including an Apple iPhone. Based on the Apartment search warrant, which specifically included "cellphones," FCPD completed a forensic extraction of the data from the iPhone.

25. A search of the digital extraction revealed that the Apple ID associated with the phone is "polovo95@gmail.com." A search of the associated user accounts saved on the iPhone revealed another email account "dvo1195@gmail.com." A Facebook and Facebook Messenger account saved on the phone had a username of "david.vo.33821" and an account name of "David Vo."



26. A review of the “Notes” section of the phone revealed a note which, based on my training and experience, is an “owe sheet.” An “owe sheet” is a written document of drug debts owed to a drug dealer by their customers. Based on the associated metadata, the note was created on December 24, 2016 and last modified on January 24, 2020. The body of the note is captured below:

- “People that owe me (all for debts)”
- Gleesh – 400
- Charles – 150
- Tone - 350 – 6155
- Kevin – 600
- Jonathan - 7000

27. Another note located during the search of the phone was entitled “MENU.” This note, based on the associated metadata, was created on November 12, 2019 and last modified on December 26, 2019. Items saved in this note include “Orange Crush,” “Billy Kimber OG,” “40 Elephant,” and “Runtz.” Based on my training and experience, I believe these references to be different strains of marijuana. I believe that the note “MENU” refers to the strains of marijuana that VO had access to for sale and distribution.

28. A series of text message conversations were also recovered from the phone extraction. Based on the associated metadata, on December 10, 2019, VO sent a video to an unknown individual (this information was not recovered from the extraction). In the video, VO can be seen brandishing what appears to be a semiautomatic pistol visually identical to the 9mm Smith and Wesson Model MP9 Shield pistol recovered from on top of the refrigerator where the

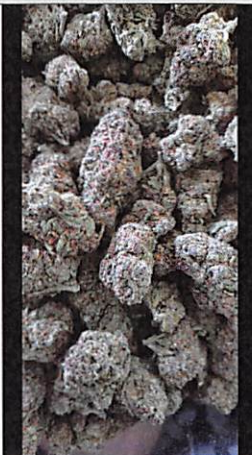
29. Based on the associated metadata, on December 11, 2019, VO sent a video to an unknown individual (this information was not recovered from the extraction). Multiple prepackaged bags of marijuana are displayed in the video, two kinds of which bear the labeling “Runtz.” Two still shots of this video are below:



and displays it for the camera. Three still shots of this video are below:  
marijuana wax was stored. In the same video, VO then retrieves a large amount of US currency



30. A series of text message conversations were also recovered from the phone extraction. The following text message exchange between VO and an unidentified individual utilizing phone number 747-XXX-XX50 occurred on December 23, 2019:

FROM	MESSAGE
XX50	 (with several other images of marijuana)
XX50	This for 15 tickets
VO	Let me get a 10 pack of that bro
XX50	This guy is different
XX50	He's willing to front half if I did half
XX50	I might get the 600 for the front

FROM	MESSAGE
VO	Lmk lmk

31. Based on my training and experience, I believe that “XX50” is offering VO a new source of supply for marijuana and states that this new supplier is willing to “front” half of the marijuana to them without payment. VO agrees to the transaction when he says he wants a “10 pack.”

32. The following text message exchange between VO and an unidentified individual utilizing phone number 747-XXX-XX50 occurred on December 28, 2019:

FROM	MESSAGE
XX50	I remember you told me ppl been saying he robbing niggas
VO	I told you they whole gang known for it lolol
XX50	Hmm we gotta find out where they live
XX50	And who’s their ppl
XX50	We gotta find out more about them before we start serving them more
XX50	Just in case
XX50	For insurance

33. Based on my training and experience, I believe that in this conversation, VO and “XX50” were discussing one of their drug clients and that he and his associates were known for robbing their drug dealers. “XX50” reiterates that they need to find out more information about this customer and his associates, including where they live and who their friends and family are before they continue selling the individuals drugs in case they are robbed and need to find them.

34. The following text message exchange between VO and an unidentified individual utilizing phone number 747-XXX-XX50 occurred on January 6, 2020:

FROM	MESSAGE
XX50	Why don’t you ask t for work if Ricky isn’t lol he prob

FROM	MESSAGE
	wouldn't let you huh
VO	T doesn't fuck with me.
VO	He only gives me work indirectly like a bitch.
VO	Hell give me work but through someone else like I'm some little nigga or something
XX50	Don't worry my nigga soon we bout get big weight
XX50	But you need to get niggas that cod it n let's start doing the table soon
XX50	What can I do to help you out more then
XX50	We gotta figure something out
VO	Right now I just need work man
VO	Like my coke shit cool but this nigga takes like a whole week every time to just pick up his money and drop off
VO	So within a month I'm just not making enough money. I'm about to sell my PS4 man for real
XX50	Lol you gotta make sure niggad ain't snorting it
VO	I feel down down
XX50	that's how I feel lol
VO	Nah it's my plug, he knows I work weekly schedules but like for example he gives me the work I finish a week later then he takes a whole week to come collect so I sit and not move shit all week cause I ain't got shit

35. Based on my training and experience, I believe VO is complaining to "XX50" that his source of supply is not consistent and enabling him to make what he believes is enough money selling controlled substances. VO tells "XX50" that his cocaine source is good but his other supplier will only resupply him no more than once per week. "XX50" attempts to reassure VO by stating "Don't worry my nigga soon we bout get big weight," or a large amount of drugs.



### CONCLUSION

36. Based upon the foregoing facts, I submit that there is probable cause to believe that on or about January 28, 2020, in Fairfax County, Virginia, within the Eastern District of Virginia, DAVID VO did knowingly possess a firearm, to wit, a Diamondback Arms Inc, Model DB-15, .223 caliber, semi-automatic AR-type pistol, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, and did brandish that firearm, in violation of Title 18 United States Code, Section 924(c).

Respectfully submitted,

**JESSE ADAMS** Digitally signed by JESSE ADAMS  
Date: 2021.03.02 18:51:33 -05'00'

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Jesse A. Adams  
Special Agent  
Bureau of Alcohol, Tobacco, Firearms and Explosives

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 via telephone on March 3, 2021.

\_\_\_\_\_/s/   
John F. Anderson  
United States Magistrate Judge

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The Honorable John F. Anderson  
United States Magistrate Judge



United States Magistrate Judge  
John E. Anderson

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